IT Unit 4

Topic 2

# Information management

**Ch 5, Privacy policies,** p 256

1. What is the purpose of a privacy policy?

* To explain to the user/customer how they will use your personal data and to whom it will disclose it.

**Key legislation for storage and disposal of data and information**

1. What is the overall purpose of all the privacy legislation? What general principles does it control?

* The purpose of privacy legislation is to govern the collection, use and to whom it may disclose it to. It controls what personal data is collected and how it is used and manipulated; the main principle being abided by is ‘privacy’ and morals.

1. Who is responsible for implementing the rules and communicating with employees and customers?

* Management of organisations
* MMOS developers

**Privacy Act 1988 amended by the Privacy Amendment (Enhancing Privacy Protection) Bill 2012, came into effect on 12 March 2014.**

1. What is included in the Privacy Act?

* Thirteen Australian Privacy Principles (APPs) that apply to the handling of personal information by most Australian and Norfolk island Government agencies and some private sector organisations.
* Credit reporting provisions that apply to the handling of credit-related personal information that credit providers are permitted to disclose to credit reporting bodies for inclusion on individuals’ credit reports.
* The collection, storage, use, disclosure, security and disposal of individuals’ tax file numbers.
* The handling of health information for health and medical research purposes in certain circumstances, where researchers are unable to seek individuals’ consent.
* The information commissioner to approve and register enforceable APPs codes that have been developed.
* Providing a small business operator, who would otherwise not be subject to the Australian Privacy Principles to opt-in to being covered by the APPs.

1. Who is covered under the Privacy Act?

* Any individual where there has been personal data collected about them.

1. Who does the Australian Privacy Principles apply to?

* Federal government agencies
* All private health service providers
* Businesses that have an annual turnover of $3 million+ or those that trade personal information

1. List the 13 APP principles.

* Open and transparent management of personal information
* Anonymity and pseudonymity
* Collection of solicited personal information
* Dealing with unsolicited personal information
* Notification of the collection of personal information
* Use or disclosure of personal information
* Direct marketing
* Cross-border disclosure of personal information
* Adoption, use or disclosure of government related identifiers
* Quality of personal information
* Security of personal information
* Access to personal information
* Correction of personal information

1. What are the credit reporting principles?

* They are principles that apply to the handling of credit-related personal information that credit providers are permitted to disclose to credit reporting bodies for inclusion on individuals’ credit reports.

1. Elaborate on the application of the Privacy Act.

* The Privacy Act applies to all electronic, manual or conventional forms of data gathering and handling by private organisations. The Act encompasses businesses with an annual turnover of $3 million, all private health services that store health records, businesses that trade in personal information and those organisations that choose to opt in. Individuals also have rights under the act, which makes for provisions on how their personal information is collected and what it is used for.

1. What is personal information?

* The amended Act defines personal information as including an individual’s: name and address, signature, telephone number, date of birth, medical records and health information, bank account details, photos and videos, biometric and genetic information, philosophical beliefs, likes and dislikes, opinions or commentary about a person, racial or ethnic origin, memberships of political associations, professional or trade associations or trade unions, religious beliefs or affiliations, criminal record, sexual orientation or practices.

1. What are the penalties for serious and repeated interferences with privacy?

* The Act prescribes severe penalties for serious and repeated interferences with privacy which can result in criminal prosecution and or fines of up to $340 000 for individuals and $1 700 000 for public and private organisations.

**Privacy and Data Protection Act 2014**, p 262

1. What groups does the Privacy & Data Collection Act (2014) cover.

* Victorian government agencies including local councils and contractors working for the state government.

1. What are the 10 information Privacy Principles, (IPPs) involved?

* Collection of personal information
* Use and disclosure of personal information
* Data quality
* Data security
* Openness
* Access and correction
* Unique identifiers
* Anonymity
* Transborder and data flows
* Sensitive information

**Health Records Act 2001,** p 263

1. What groups does the Health Records Act (2001) cover.

* Living patients who have accessed and given personal information to Health services
* Deceased individuals who have been dead thirty years or less

1. What principles did the Health Records Act create?

* It established 11 Health Privacy Principles to provide rights to both living and deceased people. These principles apply to the collection, use and storage of personal health information in Victoria.

1. What are the privacy principles involved?

* Collection – Only collect health information if necessary
* Use and disclosure
* Data quality – Take reasonable steps t ensure information is accurate
* Data security and retention – Safeguard health information
* Openness – Be able to make health information available to anyone who asks for it with authority
* Access and correction – Individuals have a right to seek access to their health information and have a chance to correct if it is inaccurate
* Identifiers – Only assign numbers to identify a person
* Anonymity – Give individuals the option of not identifying themselves
* Transborder data flows – Only transfer information outside Victoria if the organisation receiving it has similar laws
* Transfer/closure of practice health service provider – If you are a health service provider and the business is changing hands, you have to notify past service users.
* Making information available to another health service provider

1. Under what circumstances may health information be provided to a third party without your consent?

* Medical emergency; where consent can’t be given by the individual.

1. What is the role of the Health Services Commissioner?

* An individual who believes the Health Records Act has been breached can make a complaint to the Health Services Commissioner, who will try to achieve a resolution by discussion between the parties.

1. Table 5.5 is a summary of the Health Privacy Principles, list these.

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**Think about Informatics, 5.8, p 263**. Read the case study and answer the 2 questions:

* 1. Identify key legislation that Stevie should consider before providing the information to the external company.
* Privacy Act 1988
* Privacy and Data Protection Act 2014
  1. What are Stevie’s ethical responsibilities to the students, parents and the school?
* Ethical responsibilities refer to what is right and wrong, and in Stevie’s case this is protecting the personal data and information of the parents and students and not disclosing it to the unknown organisation. Confidentiality also is involved with this issue, and if Stevie does decide to go through with the deal, he’ll be placing his job with the school and government at risk.